

**Office of Advocacy and Outreach**  
**Advisory Committee on Minority Farmers**  
**Membership Balance Plan**

**1. Committee's Official Designation**

The re-established committee shall be the Advisory Committee on Minority Farmers.

**2. Authority**

The Advisory Committee on Minority Farmers (Committee) was established in the Department of Agriculture (USDA) pursuant to Section 14008 of the Food Conservation, and Energy Act of 2008, Pub. L. 110-246, 122 Stat. 1651, 2008 (7 U.S.C. 2279).

**3. Objectives and Scope of Activities**

The Committee's purpose is to advise the Secretary of Agriculture on:

- The implementation of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279);
- Methods of maximizing the participation of minority farmers and ranchers in Department of Agriculture programs; and
- Civil rights activities within the Department as such activities relate to participants in such programs.

**4. Points of View Needed for the Committee**

The points-of-view needed for this Committee will require representatives from farmers who hail from a broad cross-section of geographic locations to ensure that the Committee takes up matters unique to the various regions throughout the country. The Committee will also require perspectives of individuals from organizations whose mission it is to serve disadvantaged farmers and ranchers; professionals in the area of civil rights; individuals from higher education institutions, and most significantly, farmers and ranchers who will bring their experiences to the discussion.

The Committee shall be comprised of up to 15 members and shall include:

- a. Four or more farmers or ranchers;
- b. Two or more representatives of nonprofit organizations with a history of working with socially disadvantaged farmers or ranchers;
- c. Two or more civil rights professionals;

- d. Two or more representatives of institutions of higher education with demonstrated experience working with socially disadvantaged farmers or; and
- e. Such other persons as the Secretary considers appropriate.

The Secretary may also appoint USDA employees to serve as ex-officio members of the Committee.

Every effort will be made to ensure that the membership of this Committee is balanced; nevertheless, USDA recognizes that committee membership is not static and may change, depending on the work of the committee.

A Committee quorum for all meetings is established when the following are present:

- a. Not less than four farmers or ranchers;
- b. Not less than two representatives of nonprofit organizations with a history of working with socially disadvantaged farmers or ranchers;
- c. Not less than two civil rights professionals;
- d. Not less than two representatives of institutions of higher education with demonstrated experience working with socially disadvantaged farmers or ranchers.

## **5. Other Balance Factors**

Equal opportunity practices in accordance with USDA policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent minorities, women and persons with disabilities.

A balance of points of view from various regional and agricultural interests will also be represented.

## **6. Candidate Identification Process**

Upon the termination of the committee members' tenure, the OAO will make every effort to ensure correct and timely information is provided to all potential nominees. Special emphasis will be made to disseminate all committee information and notices to minority, socially disadvantaged, underserved, and underrepresented groups. A solicitation for nominations will be published by OAO in the Federal Register. There will also be a widely disseminated bulletin sent to the USDA stakeholders via GovDelivery—a significant government-to-citizen communications medium. Outreach toward targeted groups, including the OAO's minority farmer registry, will be implemented according to the Outreach Plan.

Once candidates have been identified, their names and background data will be submitted to the USDA White House Liaison's office for vetting. The vetting process includes a

background check to determine if any of the candidates would be prohibited from serving on the committee due to criminal or ethical violations.

## **7. Subcommittee Balance**

The OAO has the authority to create subcommittees. Subcommittees must report back to the parent committee, and may not provide advice or work products directly to the Agency. During the prior term, the following three subcommittees were established:

- a. Farm Service Agency (FSA)/Natural Resource Conservation Service (NRCS)/Risk Management Agency (RMA)/Agriculture Marketing Service (AMS) Subcommittee
- b. Rural Development (RD)/Forrest Service (FS)/National Institute of Food and Agriculture (NIFA) Subcommittee
- c. Civil Rights Subcommittee.

The Agency may appoint individuals to newly established subcommittees as deemed necessary. While this process does not involve nominations, the OAO will use the same process to make determinations for appointing persons to subcommittees by using a candidate review team.

## **8. Legal Background**

Section 5(b)(2) of the FACA requires "...the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee." The corresponding FACA regulations reiterate this requirement at 41 CFR § 102-3.30(c), and, for discretionary committees being established, renewed, or reestablished, require agencies to provide a description of their plan to attain fairly balanced membership during the charter consultation process with GSA (41 CFR § 102-3.60(b)(3)). The document created through this process is the Membership Balance Plan. The regulations further clarify that (1) the purpose of the membership balance plan is to ensure "that, in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee;" and (2) "advisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed." (41 CFR § 102-3.60(b)(3)).

FACA mandates that Federal Advisory Committees be balanced in the points of view represented by the members, but leaves it to the discretion of each agency on how to do this. The FACA regulations offer guidance in achieving a balanced Federal Advisory Committee Membership, which include considering:

- (i) The Federal Advisory Committee's Mission;

- (ii) The geographic, ethnic, social, economic, or scientific impact of the Federal Advisory Committee's recommendations;
- (iii) The types of specific perspectives required, such as those of consumers, technical experts, the public at-large, academia, business, or other sectors;
- (iv) The need to obtain divergent points of view on the issues before the Federal Advisory Committee; and
- (v) The relevance of State, local, or tribal governments to the development of the Federal Advisory Committee's recommendations." (41 CFR § III of App. A to Subpart B)

9. **Date Prepared**

May 16, 2014